IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 205 of 2005

Between:

1 Mr. M. Pratap Rao, S/o. Sri M. Hanmanth Rao,
R/o. Dilwarpur, R/o. Khanpur, Presently residing at Swapnalok

Complex, Warangal.
2 Mr. Quthubuddin @ Abbu, S/o. Sri Shaik Ahmed,
R/o. Moghalpura, Angadibazar, Thimmapur Khanapur.

..... PETITIONERS

AND

1 Mr. Golli Vishwanatham, S/o. Sri Mallesham,
R/o. Shivajinagar locality, Thimmapur-Khanpur, Adilabad

District.
2 The Gram Panchayat, Khanapur.
3 The Government of Andhra Pradesh, Rep. by its principal

Secretary, Secretariat Building, Hyderabad.
4 The District Panchayat Officer, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an order, direction or writ, more so in the nature of Writ of Mandamus declaring the memo bearing No.10196/PTS-IV/A2/2004-2 dated 6-1-2005 by the third respondent as illegal, arbitrary and violative of principles of natural justice and Article 14 of the Constitution of India and also the provisions of the A.P. Panchayat Raj Act, 1994 and consequently quash the same.

Counsel for the Petitioner:MR.R.RAGHUNANDAN

Counsel for the Respondent No.1:MR.LAKKADI DAYAKAR REDDY

Counsel for the Respondent No.2:SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent Nos.3 AND 4: G.P. FOR PANCHAYAT RAJ AND RURAL DEV.

The Court made the following O R D E R:

This writ petition has been filed by the petitioners, who are two in number, with a prayer to issue an order, direction or writ, more so, in the nature of Writ of Mandamus declaring the memo bearing No.10196/PTS-IV/A2/2004-2, dated 06.01.2005, as illegal, arbitrary and violative of principles of natural justice.

The case of the petitioners as set out in the affidavit filed in support of the writ petition is summarized as follows:

The petitioners are the owners and possessors of mulgies bearing GP.Nos.24-179/2, 24-179/3/A and 24-179/3, 24-179/4 situated at Padmavathinagar locality, Near Jagannath Chowk, Khanapur. First petitioner purchased the open land to an extent of 11 x 25.6 feet on 27.06.2001 for a valid consideration from its owner Rafi Ahmed under a registered sale deed. Second petitioner purchased the open land to an extent of 33 X 25.6 feet for a valid consideration from the same owner under a registered sale deed. Hence, the total area purchased by them is 44 X 25.6 feet. The petitioners obtained permission for construction of four mulgies jointly from the second respondent vide proceedings No.130/GPL on 31.01.2001. While so, the first respondent started claiming that he purchased a house bearing GP No.7-71 (old) 24-179 (new) from one Dr.Zaheer Ahmed, which includes the open area purchased by the petitioners to an extent of 13 x 45 feet and filed O.S.No.92 of 2004 on the file of the Junior Civil Judge, Nirmal, for injunction against the petitioners. He also moved application for interim injunction. Since he could not get injunction from the Civil Court, he approached the third respondent by way of revision petition. The third respondent without hearing the petitioners disposed of the revision. Hence this writ petition.

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

It is not in dispute that the revision was disposed of by the third respondent without giving any opportunity to the petitioners. In such a situation, the impugned memo dated 06.01.2005 cannot be sustained. The impugned memo is set aside and the matter is remanded to the third respondent for fresh consideration. The third respondent is directed to dispose of the revision afresh after giving due opportunity to both the parties.

Accordingly, the writ petition is allowed. No costs.

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18.07.2005

usd

To

1 The Gram Panchayat, Khanapur.
2 The principal, Government of Andhra Pradesh,

Secretary, Secretariat Building, Hyderabad.
3 The District Panchayat Officer, Adilabad District.

4 Two CCs to G.P. for Panchayat Raj and Rural Dev., High court

of A.P., Hyderabad (OUT).

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